



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,699	12/28/2001	John Ah Sue	CSCO-141408	2473
7590 11/03/2005				
WAGNER, MURABITO & HAO LLP		EXAMINER		
Third Floor		MURPHY, RHONDA L		
Two North Market Street		ART UNIT		
San Jose, CA 95113		2667		
		PAPER NUMBER		

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

K

Office Action Summary	Application No. 10/040,699	Applicant(s) SUE, JOHN AH	
	Examiner Rhonda Murphy	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1 - 3 contain handwritten numerals. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claim 26 is objected to because of the following minor informality:
Claim 26 incorrectly depends upon claim 3, and shall be dependent upon claim 25.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US 2005/0198063) in view of Prehn (US 2003/0117280).

Regarding claims 1 and 15, Thomas teaches a router (local computer located within home 102; Fig. 1) for interfacing with a home automation system comprising: means for receiving a control signal from a remote computer via Internet notifications (page 7, paragraphs 78 and 83), the control signal received by the router via a communications network (page 7, paragraph 79; facilitated by the Internet); means for transmitting the control signal to at least one appliance to control the appliance in accordance with the control signal (page 8, paragraph 90); and means for transmitting a reply to the remote computer via Internet notifications regarding a status of the appliance (page 7, paragraphs 78 and 82; status information displayed at the remote computer).

Thomas teaches sending control signals and transmitting replies via Internet notifications, but does not explicitly disclose the Internet notification as an instant messenger application.

However, it is known in the art that an instant messenger application is a type of Internet notification.

Furthermore, Prehn discloses a home automation system incorporating instant messaging (page 4, paragraph 22).

In view of this, it would have been obvious to one skilled in the art to include an instant messenger application, for the purpose of providing real-time communication, with an immediate response regarding the status of the appliance.

Regarding claims 2 and 16, Thomas teaches the control signal transmitting means configured to transmit the control signal to the appliance in accordance with a standardized home automation interface (page 2, paragraph 18).

Regarding claims 3 and 17, Thomas teaches the router further comprising: means for interfacing with the appliance via a home automation system interface unit configured to control a plurality of appliances, the interfacing means compatible with a standardized home automation interface (page 2, paragraph 18).

Regarding claims 4 and 18, Thomas teaches the home automation system interface unit is a transceiver configured to control the plurality of appliances (page 2, paragraph 18).

Regarding claims 5 and 19, Thomas teaches Internet notifications between a remote and local computer, which requires access or logging on to the system.

Thomas fails to explicitly disclose means for logging onto an instant messenger server; and means for functioning as an instant messenger client to receive the control signal.

However, Prehn teaches logging onto an instant messenger server; and means for functioning as an instant messenger client to receive the control signal (page 4, paragraph 22).

In view of this, it would have been obvious to one skilled in the art to log into an instant messenger server, for the purpose of communicating in a real-time manner.

Regarding claims 6 and 20, the combined system of Thomas and Prehn teach a home automation service including an instant messenger application. Thomas further teaches the router further comprising: means for receiving an event signal from the appliance (page 7, paragraphs 81 and 82); and means for transmitting a message to the remote

computer via Internet notifications regarding the event signal from the appliance (page 7, paragraphs 78 and 82).

Thomas teaches transmitting a message via Internet notifications, but does not explicitly disclose the Internet notification as an instant message.

However, it is known in the art that an instant message is a type of Internet notification.

Furthermore, Prehn discloses transmitting instant messages (page 4, paragraph 22).

In view of this, it would have been obvious to one skilled in the art to transmit instant messages, for the purpose of providing real-time communication.

Regarding claims 7 and 21, the combined system of Thomas and Prehn teach a router and means for transmitting a message to the instant messenger application.

Thomas and Prehn fail to explicitly disclose maintaining a firewall in the router.

However, it is well known in the art that firewalls can be implemented in routers. Therefore, it would have been obvious to one skilled in the art to maintain a firewall in the router; and means for transmitting a message to the instant messenger application through the firewall wall, in order to provide a secure means of transmitting messages through the use of an instant messenger service.

Regarding claim 8, Thomas teaches a router (local computer located within home 102; Fig. 1) for interfacing with a home automation system via a communications network, comprising: a network interface for communicating with a communications network (Fig. 1; page 2, paragraph 18); a home automation system interface for communicating with

Art Unit: 2667

a home automation system (Fig. 1; located within home 102; page 2, paragraph 18); and a computer system for executing computer readable code (page 9, paragraph 101), the computer system having a processor coupled to a memory (page 9, paragraph 101; processor must exist to execute instructions), the memory having computer readable code which when executed by the processor causes the router to implement the method described above in the rejection of claim 1. Furthermore, Thomas teaches the control signal transmitted to the appliance via the home automation system interface (page 8, paragraph 90; located within home 102).

Regarding claim 9, the same limitations are taught in the rejection of claim 2.

Regarding claim 10, the same limitations are taught in the rejection of claim 3.

Regarding claim 11, the same limitations are taught in the rejection of claim 4.

Regarding claim 12, the same limitations are taught in the rejection of claim 5.

Regarding claim 13, the same limitations are taught in the rejection of claim 6.

Regarding claim 14, the same limitations are taught in the rejection of claim 7.

Regarding claim 22, Thomas teaches an Internet as the communications network (Fig. 1, Internet 104).

Regarding claim 23, Thomas teaches a computer readable media having computer readable code which when executed by a processor of a router causes the router to implement a method for interfacing with a home automation system via a communications network (page 9, paragraph 101). The combined method of Thomas and Prehn further teach the same limitations described in the rejection of claim 1.

Regarding claim 24, the same limitations are taught in the rejection of claim 2.

Regarding claim 25, the same limitations are taught in the rejection of claim 3.

Regarding claim 26, the same limitations are taught in the rejection of claim 4.

Regarding claim 27, the same limitations are taught in the rejection of claim 5.

Regarding claim 28, the same limitations are taught in the rejection of claim 6.

Regarding claim 29, the same limitations are taught in the rejection of claim 7.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Hino et al. (US 2002/0069276) discloses a remote control system and home gateway apparatus.

*Shteyn et al. (US 2003/0106062) discloses a home network environment as a state machine.

*Petite (US 2002/0019725) discloses wireless communication networks for providing remote monitoring of devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

rlm


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667 10/31/05